

**STATE COASTAL CONSERVANCY  
PUBLIC MEETING MINUTES**

May 18, 2005  
9:00 a.m.  
Town Hall  
363 N. Main Street  
Fort Bragg, CA

**MEMBERS PRESENT:**

Douglas Bosco (Public Member), Chair  
Jeremy M. Hallisey (Public Member)  
Gary Hernandez (Public Member)  
Ann Notthoff (Public Member)  
Fred Klass (Designated Representative, Department of Finance)  
Meg Caldwell (Chair, California Coastal Commission)

**OVERSIGHT LEGISLATORS PRESENT:**

Bob Fredenburg (designated representative for Wesley Chesbro (District 2)  
Julia McIver (designated representative for Sheila Kuehl, District 23)

**OTHERS PRESENT:**

Sam Schuchat, Executive Officer  
Pat Peterson, Deputy Attorney General  
Marcia Grimm, Legal Counsel

**2. APPROVAL OF MINUTES:**

The Minutes of the March 10, 2005 Public Meeting were approved without change.

**3. APPOINTMENT TO SANTA MONICA BAY RESTORATION COMMISSION:**

Ann Notthoff was appointed to represent the Coastal Conservancy on the Santa Monica Bay Restoration Commission; Executive Officer Sam Schuchat or his staff designee Marc Beyeler will serve when Ms. Notthoff is unable to.

Gary Hernandez was selected to be the Vice-Chair of the Coastal Conservancy by acclamation.

**4. FORT BRAGG WATERFRONT ACQUISITION**

Moir McEnepsey of the Coastal Conservancy presented the Staff Recommendation.

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Speaking in favor of the Staff Recommendation: Dave Turner, Mayor of Fort Bragg; Linda Ruffing, City of Fort Bragg; Rixanne Wehren representing Coast Walk & Coastal Land Trust; Bob Whitney representing Mendocino County Surfrider Chapter.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the City of Fort Bragg of up to four million one hundred sixty-five thousand dollars (\$4,165,000) for the acquisition and associated costs of approximately 35 acres in fee of waterfront headlands on the Georgia-Pacific former mill site property in Fort Bragg, Mendocino County (Portions of Mendocino County Assessor’s Parcel Numbers 008-010-26, 008-020-09, 018-430-01, and 018-430-02) for the purposes of public access, and natural resource, open space and scenic protection.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Executive Officer of the Conservancy (“Executive Officer”) shall review and approve all relevant acquisition documents, not limited to an appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and title documents.
2. The City of Fort Bragg shall pay no more than fair market value for the property interests, as established in an appraisal approved by the State Department of General Services.
3. Prior to the disbursement of Conservancy funds for the acquisition of any parcel, the Regional Water Quality Control Board, North Coast Region, or other appropriate lead agency for site remediation, shall have indicated in writing that the relevant parcel(s) has been remediated to standards adequate to at least support the “highest and best use” as established by the approved appraisal, and appropriate for the intended use of the property.
4. No funds shall be disbursed for the acquisition of any property unless and until the landowner has irrevocably dedicated fee title to the California Coastal Trail corridor along the entire property; provided, however, that the City of Fort Bragg’s acceptance of title to any portion of the coastal trail may be conditioned on remediation of that portion and purchase of another parcel of the property.
5. The City of Fort Bragg shall permanently dedicate the property for public access, and natural resource, open space and scenic protection in a manner acceptable to the Executive Officer.
6. The City of Fort Bragg shall identify public access opportunities and the California Coastal Trail, and acknowledge Conservancy funding, by erecting and maintaining signs on the property, the designs and locations of which have been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Public access along the Fort Bragg waterfront at this location would serve greater than local public needs.”

Moved and seconded. Approved by a vote of 6 to 0.

**5. SINKYONE WILDERNESS STATE PARK**

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation, modified by the deletion of condition 2 to the recommended Resolution. This is reflected below.

Speaking in favor of the Staff Recommendation: Janet Olave, representing Mendocino County RCD; Brian Merrill, representing California State Parks; Hawk Rosales, representing Intertribal Sinkyone Wilderness Council; and Rixanne Wehren, representing Coastal Land Trust.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$655,000 (six hundred fifty-five thousand dollars) to the Mendocino County Resources Conservation District (“MCRCD”) to decommission the final eight miles of a 44-mile road decommissioning project in the Sinkyone Wilderness State Park, in northern Mendocino County, to improve anadromous salmonid habitat by improving the quality of water discharging to the Mattole and Eel Rivers, both coastal draining systems, and to coastal draining watersheds within the Park, subject to the following condition:

Prior to the disbursement of any Conservancy funds, MCRCD shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule, budget and the names of any contractors to be used for the activities under this authorization, and provide evidence that all permits necessary to this project have been issued.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed authorization is consistent with the purposes and criteria of Chapter 5.5 of Division 21 of the Public Resources Code (Sections 31251 to 31270) regarding protection of coastal resources.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has reviewed the Mitigated Negative Declaration (attached to the accompanying staff recommendation as Exhibit 3) adopted by the California Department of Parks and Recreation on January 30, 2003 pursuant to the California Environmental Quality Act, and the Mitigation Monitoring Program (attached to the accompanying staff recommendation as Exhibit 4) developed to mitigate potentially significant environmental effects, and finds that the project avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the road decommissioning activities in the Sinkyone Wilderness State Park may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.
4. There is no evidence before the Conservancy that the road decommissioning activities will have a potentially adverse effect on wildlife resources as defined under California Fish and Game Code 711.2, and The Conservancy finds, on the basis of substantial evidence, that the presumption of adverse effect on wildlife resources contained in 14 California Code of Regulations Section 753.5(d) is rebutted by the information detailed in the initial study and mitigated negative declaration.”

Moved and seconded. Approved by a vote of 6-0.

**6. CASPAR CREEK**

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed six hundred thousand dollars (\$600,000) to the California Department of Forestry and Fire Protection (“CDF”) to implement the Caspar Creek Fish Passage Improvement Plan subject to the following conditions:

1. Prior to CDF’s commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, project budget, any contractors to be employed and a signing plan acknowledging the Conservancy and Proposition 12 funding;
2. The CDF shall submit evidence that all necessary permits have been obtained.

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3. The CDF shall install a sign on the project property acknowledging Conservancy and Proposition 12 funding in a manner acceptable to the Conservancy's Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21, sections 31251 – 31270 of the Public Resources Code regarding the enhancement of coastal resources.
2. The Conservancy has independently reviewed the mitigated Negative Declaration prepared and adopted August 7, 2003 by the Department of Forestry and Fire Protection, and the Biological Opinion issued by NOAA Fisheries May 6, 2003, and finds that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382."

Moved and seconded. Approved by a vote of 6-0.

**7. HUMBOLDT FISH PASSAGE IMPROVEMENT PROGRAM**

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred sixty-six two hundred seventy two thousand dollars (\$466,272) to the County of Humboldt to implement fish passage improvement projects, subject to the condition that no Conservancy funds shall be disbursed toward implementation of any proposed project until the Conservancy authorizes the proposed project."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21, sections 31251 – 31270 of the Public Resources Code regarding the enhancement of coastal resources.

2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 6-0.

## **8. HUMBOLDT FISH PASSAGE IMPROVEMENT PROJECTS**

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed seventy-eight thousand dollars (\$78,000) to the County of Humboldt to design a fish passage improvement project at Rocky Gulch and implement a fish passage improvement project at Saunder’s Creek, subject to the following conditions:

1. Prior to the disbursement of funds for the implementation, the County shall provide and the Executive Officer of the Conservancy shall approve in writing:

- a. A work program, schedule of completion, project budget, and any subcontractors to be employed for the project.
- b. Evidence that all necessary permits have been obtained.
- c. A signage plan acknowledging the Conservancy and Proposition 12 funding.

2. The County shall install and maintain a sign acknowledging Conservancy and Proposition 12 funding at the project site.

3. Prior to disbursement of funds for the design project on Rocky Gulch, the County shall submit for the review and approval of the Conservancy’s Executive Officer a work program, budget, and any subcontractors to be employed for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

- 1 The proposed projects are consistent with the purposes and criteria set forth in Chapter 6 of Division 21, sections 31251 – 31270 of the Public Resources Code regarding the enhancement of coastal resources.

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2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Negative Declaration prepared and adopted on May 19, 2003 by the Department of Fish and Game, attached as Exhibit 3, and finds that there is no substantial evidence that the Saunder's Creek project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the Saunders Creek fish barrier removal project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for the Saunder's Creek project to have an adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2."

Moved and seconded. Approved by a vote of 6-0.

**9. BEAR VALLEY CREEK WATERSHED**

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) to the Point Reyes National Seashore Association ("Association") to develop a watershed enhancement plan for the Bear Valley Creek watershed, subject to the condition that, prior to disbursement of any funds, the Association shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, schedule, budget, and the names of any contractors to be employed for preparation of the enhancement plan."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-

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31164) regarding the protection and enhancement of resources in the San Francisco Bay Area.

2. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
4. The Point Reyes National Seashore Association is a non-profit organization existing under section 501(c)(3) of the Internal Revenue Service code whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0

## **10. DUTCH BILL CREEK**

Karyn Gear of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Joe Pozzi, representing Gold Ridge Resource Conservation District (RCD).

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thirty-five thousand dollars (\$135,000) to the Gold Ridge Resource Conservation District (“RCD”) for implementing projects to reduce sediment delivery to Dutch Bill Creek in western Sonoma County for the purpose of improving anadromous fish habitat, subject to the following conditions:

1. Prior to disbursement of funds, the RCD shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, names of the contractors it intends to employ for the project and a signing plan acknowledging the Conservancy and Proposition 12 funding;
2. The RCD shall ensure that signs acknowledging Conservancy and Proposition 12 funding are installed at the project sites in the manner approved by the Conservancy’s Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code.



2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Negative Declaration prepared and adopted on June 16, 2004 by the Department of Fish and Game, attached as Exhibit 4, and finds that there is no substantial evidence that the projects will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. There is no evidence before the Conservancy that the project will have a potentially adverse effect either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.”

Moved and seconded. Approved by a vote of 6-0.

## **11. ARASTRADERO PRESERVE GATEWAY ACQUISITION**

Abe Doherty of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Gregg Betts representing the City of Palo Alto.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million dollars (\$1,000,000) to the City of Palo Alto (“City”) for the purpose of acquiring Santa Clara County Assessor Parcel No. 182-33-014, known as the Arastradero Preserve Gateway Parcel (“Property”), consisting of 13 acres, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”):
  - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
  - b. Evidence that sufficient funds are available to complete the acquisition.
2. The City shall pay no more than fair market value for the Property.

3. The City shall permanently dedicate the Property for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer.
4. The City shall open Foothills Park to the general public for pedestrian access on all of the trails within the park. Pedestrian access for the general public to and from Foothills Park (“Park”) shall be provided at designated access points lying on the Park’s boundaries with the City’s Enid Pearson-Arastradero Preserve to the north and the Midpeninsula Regional Open Space District’s Los Trancos Open Space Preserve to the south. The City shall not be required to permit pedestrian or vehicular access for non-City residents at the entrance to the Park off of Page Mill Road unless the non-City resident is accompanied by a City resident at the time of entry.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property, the design and location of which has been approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved b a vote of 6-0.

## **12. PRBO’S SAN FRANCISCO BAY RESEARCH CENTER**

Sam Schuchat of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred one thousand five hundred dollars (\$201,500) to PRBO Conservation Science (PRBO) for education facilities, displays, and equipment at the San Francisco Bay Research Center, subject to the following conditions:

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has reviewed and approved in writing:

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- a. The names of any contractors PRBO will retain to carry out all or part of the project.
  - b. Documentation that PRBO has obtained all permits and approvals required for the project under federal, state and local law.
  - c. A final work plan for the project, including a final budget and schedule.
  - d. A signing plan acknowledging the Conservancy's funding of this project.
2. PRBO shall enter into an agreement sufficient to protect the public interest in any improvement or development constructed as part of this proposed project, in accordance with the requirements of Public Resources Codes Section 31116(c)."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. PRBO Conservation Science is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code."

Moved and seconded. Approved by a vote of 6-0.

**13. NORTH SLOPE SONOMA MOUNTAIN TRAIL**

Abe Doherty of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Maria Cipriani, representing the Sonoma County Agricultural Preservation and Open Space District.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred ten thousand dollars (\$110,000) to the Sonoma County Agricultural Preservation and Open Space District ("District") for preparation of final trail plans and environmental documentation for development of new trails located on the north slope of Sonoma Mountain. This authorization is subject to the condition that, prior to the

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disbursement of any funds, the District shall submit for review and approval of the Executive Officer of the Conservancy:

1. A work program, budget, and schedule;
2. The names and qualifications of any contractors or subcontractors that the District intends to employ to implement the project;
3. Evidence that all necessary permits and approvals for the project have been obtained; and
4. Evidence that all funds necessary to complete this phase of the project have been secured.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31160-31164 regarding projects of the San Francisco Bay Area Conservancy Program; and
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 5-0. Mr. Hernandez was absent.

**14. TOLAY LAKE RANCH**

Marcia Grimm of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby amends conditions of its March 10 2005 authorization for the acquisition of Tolay Lake Ranch by the Sonoma County Agricultural Preservation and Open Space District, by revising condition #3 and adding condition #5, to read as follows:

1. Prior to the disbursement of funds for the acquisition, the District shall submit for the review and approval of the Executive Officer of the Conservancy:
  - (a) All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.

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- (b) Evidence that sufficient funds are available to complete the acquisition.
- 2. The District shall pay no more than fair market value for the property, as approved by the Department of General Services, based on an appraisal of the property.
- 3. The District shall permanently dedicate the following property interests immediately upon transfer of fee title:
  - a. The 317.62-acre property currently owned by Marvin and Rita Cardoza, shown on Exhibit 2 of the accompanying staff recommendation (Assessor Parcel Nos. 068-060-057 and 068-060-058) shall be dedicated for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer.
  - b. A public access easement over a ridge trail corridor extending through the length of the property shall be offered for dedication to public agencies, in a manner approved by the Executive Officer.
  - c. A conservation easement over the Tolay Creek riparian corridor extending from the lakebed to the southern boundary of the property shall be offered for dedication to public agencies, in a manner approved by the Executive Officer.
  - d. A conservation easement shall be granted or offered to the California Department of Fish and Game over the 200-acre Tolay Lake lakebed.
- 4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.
- 5. Immediately upon the District's repayment of the loan from the County of Sonoma for the Tolay Lake Ranch acquisition, the remainder of the Tolay Lake Ranch property (Assessor Parcel Nos. 068-070-004; 068-070-005; and 068-070-001) shall be permanently dedicated for habitat preservation, open space protection and public access, through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31164, and with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."

Moved and seconded. Approved by a vote of 5-0. Mr. Hernandez was absent.

**15. SAN GREGORIO FARMS ACQUISITION**

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Marina Cazorla of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an additional amount not to exceed two million two hundred twenty five thousand dollars (\$2,225,000) to the Peninsula Open Space Trust (POST) towards its acquisition of the San Gregorio Farms property (San Mateo County Assessor Parcel Numbers 081-013-030, 081-021-020, -030, -040, -060 and 081-230-030) located in San Mateo County, shown on Exhibits 1 and 2 to this staff recommendation. POST shall repay \$2,000,000, without interest, to the Conservancy by June 30, 2008.

1. Prior to the disbursement of Conservancy funds, and in accordance with Public Resources Code Section 31116(b), POST shall permanently dedicate the property for the preservation of open space, natural resource protection, and public access, through an instrument or instruments acceptable to the Executive Officer of the Conservancy (“the Executive Officer”).
2. Notwithstanding the preceding condition or the Conservancy’s authorization of September 25, 2001, the instrument dedicating the property shall allow POST to sell the fee interest in the currently improved portions of the property for residential uses (or other uses approved by the Executive Officer) if the California Department of Parks and Recreation or another public entity does not acquire the property from POST for value by June 30, 2008. The sale(s) may be conditioned on a conservation easement or other instrument limiting property uses, as deemed appropriate by the Executive Officer. POST shall not be responsible for continued operation and maintenance of areas of the property conveyed to other entities or persons in fee.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Division 21 of the Public Resources Code, specifically Chapter 8 (Sections 31350-31356) regarding reservation of significant coastal resource areas.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Peninsula Open Space Trust is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 5-0. Mr. Hernandez was absent.

**16. BLACK LAKE CANYON ENHANCEMENT PLAN**

Tim Duff of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to six hundred forty five thousand dollars (\$645,000) to the Land Conservancy of San Luis Obispo County (“Land Conservancy”) for the acquisition and restoration of the “Rossi” property (“property”), San Luis Obispo County Assessor’s Parcel No 091-151-005, to implement the Black Lake Canyon Enhancement Plan, approved by the Conservancy on May 21, 1993, subject to the following conditions:

1. Prior to disbursement of Conservancy funds for the acquisition:
  - a. The Land Conservancy shall submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including but not limited to the appraisal, agreement of purchase and sale, escrow instructions, and documents of title;
  - b. The Land Conservancy shall provide evidence that all non-Conservancy funds necessary to complete the acquisition are available.
2. The purchase price shall not exceed fair market value for the property, as established in an appraisal approved by the Conservancy.
3. The Land Conservancy shall permanently dedicate the property for natural resource protection, public access and open space preservation by an appropriate instrument approved by the Executive Officer, in accordance with Public Resources Code Section 31116(b).
4. Prior to the disbursement of restoration funds, the Land Conservancy shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. Evidence that it has obtained all necessary permits and approvals, and all other funds necessary to complete the proposed restoration projects.
  - b. A final work program, including a budget, schedule, and names of any contractors and subcontractors to be employed for these tasks.
5. In implementing the restoration projects funded under this authorization, the Land Conservancy shall carry out mitigation requirements and/or conditions contained in all required permits.
6. Conservancy funding for both the acquisition and the restoration projects shall be acknowledged by erecting and maintaining a sign on the property, the design and

location of which has been reviewed and approved by the Conservancy's Executive Officer."

**Findings:**

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001.
3. The Land Conservancy of San Luis Obispo County is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 6-0.

**17. WETLANDS EDUCATIONAL RESOURCE CENTER**

Kate Goodnight of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Carol Whitehill, representing Watsonville Wetlands Watch.

**Resolution:**

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred twenty-five thousand dollars (\$125,000) to the Watsonville Wetlands Watch to be used for the construction of the Wetlands Educational Resource Center at the Pajaro Valley High School, in Santa Cruz County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Watsonville Wetlands Watch shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A work program, including the project schedule and budget, and the names of any contractors and/or subcontractors to be employed on the project;
  - b. Evidence that all permits and approvals necessary to implement the project have been obtained; and
  - c. Evidence of compliance with the relevant Conservancy standards and recommendations for accessway location and development.



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2. The resource center built under this authorization shall be managed and operated in a manner consistent with Memorandum of Agreement for the Wetlands Education and Resource Center (Exhibit 2 of the accompanying staff recommendation) and Public Resources Code Section 31116(c).
3. The grantee shall ensure that the Pajaro Valley Unified School District shall implement, or shall cause to be implemented, the mitigation measures contained in the SEIR dated June 2001, and attached to the accompanying staff recommendation as Exhibit 3.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria of Sections 31400-31409 and 31119(a)(1) of the Public Resources Code regarding public coastal access, and will serve greater than local needs.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Watsonville Wetlands Watch is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has (1) independently reviewed and considered the project’s record, the Coastal Commission’s LCP amendment approval (attached to the accompanying staff recommendation as Exhibit 4), the Revised Environmental Impact Report and the Supplemental Environmental Impact Report (Exhibit 3), the Watsonville City Council Resolution Granting LCP Permit for the WERC (Exhibit 5), and concurs with the Final SEIR prepared and adopted by the Pajaro Valley Unified School District on May 23, 2001 and the LCP amendment approved by the City of Watsonville; (2) finds that the project avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the WERC project, as mitigated, may have a significant adverse effect on the environment, as defined in 14 Cal. Code Regulations Section 15382; and (3) finds that there is substantial evidence based on the administrative record before the Conservancy that the project will not have a potential for adverse effects on fish and wildlife resources as defined in California Fish and Game Code Section 711.2 and 14 California Code of Regulations Section 753.5(d).”

Moved and seconded. Approved by a vote of 6-0.

**18. PIEDRAS BLANCAS**

Steve Horn of the Coastal Conservancy presented the Staff Recommendation.

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Speaking in favor of the Staff Recommendation: Karen Frankel representing Trust for Public Land

Resolution:

“The State Coastal Conservancy hereby: (1) authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Trust for Public Land (“TPL”) for management and operation of public access to and along the ocean shoreline, on a property of 20-plus acres (San Luis Obispo County Assessor’s Parcel Number 011-231-012) that is currently improved with a motel, parking areas and associated structures and is more particularly described in Exhibits 1 and 2 attached to the accompanying staff recommendation (the “Piedras Blancas property”); and (2) authorizes the Executive Officer of the Conservancy (the “Executive Officer”) to enter into a purchase option agreement with TPL to secure the right of public purchase of the Piedras Blancas property, subject to the terms generally described in the accompanying staff recommendation, and further authorizes the disbursement of an option payment in an amount not to exceed ninety thousand dollars (\$90,000) to TPL pursuant to those terms.”

Disbursement of these Conservancy funds is subject to the following conditions:

1. Prior to the disbursement of any funds for the operation and management of public access, TPL shall:
  - a. Enter into an agreement with the Conservancy, pursuant to Public Resources Code Section 831.5, to provide nondiscriminatory public access on the property;
  - b. Submit a work program, budget and schedule for the management and operation of the public access, for the approval of the Executive Officer; and
  - c. Agree to acknowledge the Conservancy funding by erecting and maintaining signs on the property, the design and location of which has been reviewed and approved by the Executive Officer.
2. The option to purchase the Piedras Blancas property shall provide that during the term of the option TPL will remove specified structures from the property to the satisfaction of the Executive Officer, using the funds provided by the option payment in order to accomplish such removal.
3. The option shall provide that TPL will provide from private or public sources the funding needed to support public acquisition of the Piedras Blancas property, without recourse to the Conservancy for funding beyond that authorized by the Conservancy at its December 2004 meeting.
4. The option shall provide that the public purchase price will not exceed by more than five percent (5%) the sum of the price paid for the property by TPL and the actual transaction and holding costs expended by TPL as a result of the purchase.
5. The option shall provide that the Executive Officer shall approve all relevant acquisition documents, including the appraisal, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition.

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6. The option shall provide that purchase by the Conservancy or the California Department of Parks and Recreation will be subject to the approval of the State Public Works Board.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 to 31409) regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater-than-local needs.
4. The Trust for Public Land is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, with purposes consistent with Division 21 of the Public Resources Code. ”

Moved and seconded. Approved by a vote of 6-0.

**19. SOLSTICE CREEK**

Kara Kemmler of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the National Park Service (NPS) to remove fish passage barriers and restore habitat conditions to facilitate passage for southern steelhead trout in the Solstice Creek watershed, subject to the condition that prior to disbursement of funds, the NPS shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, budget, the names of any contractors the it intends to employ, evidence that all permits and approvals necessary to implement the project have been obtained, and a signing plan for the project which acknowledges Conservancy funding.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed authorization is consistent with Division 21 of the Public Resources Code, specifically Chapter 6 (Sections 31251-31270) regarding enhancement of coastal resources;
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed and considered the Initial Study and Mitigated Negative Declaration adopted by the Resource Conservation District of Santa Monica Mountains on March 30, 2005 and attached as Exhibit 3 to the accompanying staff recommendation and finds that the project, as mitigated, avoids, reduces or mitigates any potential significant environmental effects such that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved by a vote of 6-0.

**20. DeFOREST WETLANDS**

Chris Kroll of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred thousand dollars (\$200,000) to the Los Angeles County Flood Control District (FCD) to complete design plans for the DeForest Wetlands project. Prior to the disbursement of any funds, FCD shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, including scope of work, budget and schedule, and the names of any contractors it intends to use to conduct the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of the Public Resources Code (31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

Moved and seconded. Approved by a vote of 6-0.

**21. SAN DIEGUITO RIVER PARK**

Prentiss Williams of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred seventy-seven thousand dollars to the San Dieguito River Park Joint Powers Authority (the JPA) for the construction of a portion of the Coast to Crest Trail subject to the following condition:

Prior to the disbursement of funds for construction, the JPA shall submit for the review and approval of the Executive Officer of the Conservancy:

- a. Evidence that the JPA has obtained all necessary permits and approvals and has conducted all necessary environmental review.
- b. A signing plan for the project acknowledging Conservancy participation.
- c. A final work plan (including the names of any subcontractors to be used in the completion of the project), and a project schedule and budget.
- d. An agreement between the JPA, Southern California Edison and the 22<sup>nd</sup> District Agricultural Association sufficient to allow the project to be built, operated for public access, and maintained for a period of no less than twenty years.
- e. An encroachment permit with the California Department of Transportation sufficient to allow the project to be built, operated for public access, and maintained for a period of no less than twenty years.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 et. seq. of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Coastal Conservancy has independently reviewed the Environmental Impact Report/ Environmental Impact Statement (attached to the accompanying staff recommendation as Exhibit 3) and findings adopted by the San Dieguito River Park Joint Powers Agency (attached to the accompanying staff recommendation as Exhibit 6) for the project and finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment.

4. The proposed project will serve greater than local needs.”

Moved and seconded. Approved by a vote of 6-0.

## **22. TALL SHIPS EXPOSITION**

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred thousand dollars (\$300,000) in the form of three separate grants not to exceed one hundred thousand dollars (\$100,000) each, to Sail San Francisco, the Los Angeles Maritime Institute, and the Maritime Museum of San Diego to plan and host Tall Ships Exposition festivals at the Ports of San Francisco, Los Angeles and San Diego, including but not limited to the sponsorship of visits by historic tall sailing ships, international maritime training vessels, and other unique craft, and the development of related activities which will promote access to urban waterfronts.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter 7 of Division 21 of the Public Resources Code, regarding urban waterfront restoration.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Sail San Francisco, the Maritime Institute of Los Angeles, and the San Diego Maritime Museum are nonprofit organizations existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

## **23. DELEGATION RELATING TO CALIFORNIA OCEAN PROTECTION COUNCIL ACTIVITIES**

Neal Fishman of the Coastal Conservancy presented the Staff Recommendation. Ms. Caldwell moved that the recommended Resolution be revised to eliminate items A.2 and A.3, to read as follows:

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Resolution:

- “ A. The State Coastal Conservancy hereby delegates authority to the Executive Officer, in order to increase the effectiveness and administer the affairs of the California Ocean Protection Council (OPC), and, with respect to the expenditure of funds neither appropriated nor awarded to the Conservancy, to negotiate and enter into grant and other agreements and take other actions necessary to carry out projects and programs authorized by the OPC, unless the Conservancy is legally required to make findings under the California Environmental Quality Act or other applicable law.
- B. The Conservancy reserves up to five million dollars (\$5,000,000) from existing Conservancy funding sources, to be expended in concert with the OPC, for programs and projects authorized by the OPC or that the OPC finds to be of high priority and that are also consistent with the Conservancy’s project selection criteria and priorities and the requirements of the funding sources.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The of authority provided through this delegation will facilitate the Executive Officer’s role as Secretary to the California Ocean Protection Council and help to effectively implement Division 26.5 of the Public Resources Code, the California Ocean Protection Act.
2. The delegation is consistent with Division 26.5 of the Public Resources Code and will help to carry out the Conservancy’s obligations under section 35625 to provide staff services that the California Ocean Protection Council needs to carry out Division 26.5.
3. The delegation is consistent with the authority of the Conservancy under Section 31103 of the Public Resources Code and 14 California Code of Regulations Section 13734 to appoint an Executive Officer to administer the affairs of the Conservancy and to carry out its functions under Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 6-0.

**24. CONSENT ITEMS**

Item D. was removed from consent for separate consideration by the Conservancy, in response to a letter of objection to that item. Prior to consideration of the remaining consent calendar, Hawk Rosales, representing the InterTribal Sinkyone Wilderness Council, spoke in favor of the Staff Recommendation for item F.

**A. POZZI RANCH**

Resolution:

“The State Coastal Conservancy hereby amends its December 2, 2004 authorization to disburse funds to the Marin Agricultural Land Trust (MALT) for the acquisition of an agricultural conservation easement over the Pozzi Ranch property (Marin County Assessors Parcel Nos. 104-040-03, 104-040-04, 104-040-14, 100-100-15 and 100-100-16) by authorizing the supplemental disbursement of up to four hundred fifty thousand dollars (\$450,000) to be used to partially reimburse MALT for the purchase price of the easement. Disbursement of these supplemental funds is subject to the same conditions imposed by the Conservancy’s December 2, 2004 authorization.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Disbursement of additional funds to partially reimburse MALT for the acquisition of an agricultural conservation easement over the Pozzi Ranch property is consistent with the Conservancy authorization and findings adopted December 2, 2004, as shown in the staff recommendation attached as Exhibit 1 to this staff recommendation.
2. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding projects of the San Francisco Bay Area Conservancy Program.”

**B. SAN DIEGO RIVER CONSERVANCY**

Resolution:

“The State Coastal Conservancy hereby authorizes the Executive Officer to enter into an interagency agreement with the San Diego River Conservancy for \$305,712 to reimburse the Coastal Conservancy for costs associated with providing administrative and other staff services to the San Diego River Conservancy.”

**C. NAPA RIVER SALT MARSH RESTORATION PROJECT**

Resolution:

“The State Coastal Conservancy hereby authorizes:

1. Execution of a Cost Share Agreement with the U.S. Army Corps of Engineers (“Corps”) for Preconstruction Engineering and Design of the Napa River Salt Marsh Restoration.



Disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) through the provision cash payments to the Corps, in order to complete tasks identified in the Project Management Plan for Preconstruction Engineering and Design of the Napa River Salt Marsh Restoration Project and to satisfy non-federal cost-share requirements.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

**E. GUALALA ACCESS TRAIL**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Redwood Coast Land Conservancy (RCLC) to construct the Bourn’s Landing/Bonham Beach and St. Orres Creek Trail Projects in Gualala, California on easements held by the RCLC west of Highway 1 and north of the Gualala River, in the town of Gualala, Mendocino County, subject to the condition that the project shall not commence and no funds shall be disbursed for the project until:

1. The Executive Officer has reviewed and approved in writing:
  - a. A project work program, budget, and timeline.
  - b. The names of any contractors RCLC will retain to carry out all or part of the project.
  - c. A signing plan that acknowledges Conservancy funding.
  - d. Documentation that RCLC has obtained all permits and approvals required for the project under federal, state and local law.
2. RCLC has entered into and recorded an agreement pursuant to Public Resources Code Section 31116(c) to protect the public interest in improvements funded under this grant.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed trail projects are consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (Sections 31400-31409) of the Public Resources Code.
2. The proposed trail projects are consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Redwood Coast Land Conservancy is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

#### **F. INTERTRIBAL SINKYONE WILDERNESS**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$67,000 (sixty-seven thousand dollars) to the InterTribal Sinkyone Wilderness Council (“the Council”) to prepare environmental documentation and procure necessary permits for the construction phase of its Public Trails Project on the InterTribal Sinkyone Wilderness, as depicted in Exhibit 1 of the accompanying staff recommendation. This authorization is subject to the condition that, prior to the disbursement of any Conservancy funds the Council shall submit for review and written approval of the Executive Officer of the Conservancy a work plan, budget, schedule for the project and the names and qualifications of any contractors to be employed to carry out the work plan.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The InterTribal Sinkyone Wilderness Council is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

#### **G. PRICE CREEK RANCH**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$55,000 to the North Coast Regional Land Trust (“NRLT”) to conduct an appraisal for a proposed conservation easement on the Price Creek Ranch in Humboldt County (Assessor’s Parcel Numbers (APN) 102-101-001, 106-161-011, 106-161-012, 106-161-013, 106-171-001, and 106-171-003) as depicted in Exhibit 1 of the

accompanying staff recommendation. This authorization is subject to the condition that, prior to the disbursement of any Conservancy funds the NRLT shall submit for review and written approval of the Executive Officer of the Conservancy the final appraisal specifications, a work plan, budget, and schedule for the project and the names and qualifications of any contractors to be employed to carry out the work plan.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

5. The proposed authorization is consistent with the purposes and criteria of Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220) regarding protection of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The North Coast Regional Land Trust is a nonprofit organization existing under Section 501 (c)(3) of the Internal Revenue Service Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

## **H. VALLEJO SWETT RANCH RIDGE TRAIL**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Solano Land Trust to plan a two-mile segment of the Bay Area Ridge Trail and approximately four miles of community connector trails on the Vallejo Swett Ranch in Solano County. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing: a final work plan, including a budget and schedule; and any contractors proposed to be used.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31160-31164 regarding projects of the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Solano Land Trust is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. All of the above Consent Items were approved by a vote of 6-0.

**D. WESTPORT HEADLANDS**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Westport Village Society (WVS) of an amount not to exceed one hundred and forty thousand dollars (\$140,000) to construct public access improvements at the Westport Headlands, subject to the following conditions:

1. Prior to the disbursement of any funds, WVS shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. A work program, budget and schedule, detailed site plans, and the names of any contractors to be employed in carrying out the work.
  - b. Evidence that all necessary permits and approvals have been obtained.
  - c. A signage plan for the project acknowledging Conservancy participation.
2. WVS shall enter into an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest and provide for maintenance of the project for no less than twenty (20) years;

On request of the Conservancy, the grantee shall permit alignment of a segment of the California Coastal Trail (CCT) on the real property and shall permit the placement of signs identifying the property as a segment of the CCT.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Westport Village Society is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.
5. The Conservancy has independently reviewed and considered the CEQA Negative Declaration attached to the accompanying staff recommendation as Exhibit 4, adopted by the Mendocino County Board of Supervisors in November 2004 pursuant to the California Environmental Quality Act, and finds that the project, avoids,

reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, and that the project will not have a potentially adverse effect, either individually or cumulatively, on fish and wildlife resources.”

Moved and seconded. Approved by a vote of 6-0.

## **25. EXECUTIVE OFFICERS REPORT -**

**A. Strategic Plan Report:** Executive Officer Sam Schuchat reported on the progress to date on the Conservancy’s strategic plan. (Written report is attached.)

**B. Legislative Report –presented by Neal Fishman** (Written report is attached)

## **26. DEPUTY ATTORNEY GENERAL REPORT**

No report was given

## **27. BOARD MEMBER COMMENTS**

Meg Caldwell mentioned that while at the Pt. Cabrillo Light Station she saw a sign that said “the Pt. Cabrillo Light Station receives no state funds”. She asked that staff look in to this and get the sign removed.

Ann Notthoff stated that she enjoyed her first board meeting

## **28. PUBLIC COMMENTS**

There were no public comments

## **29. CLOSED SESSION**

The Conservancy adjourned to closed session to confer with legal counsel regarding *City of Malibu and David Geffen v. Access for All, California Coastal Commission, California Coastal Conservancy, et al.*, Los Angeles Superior Court Case No BC277034. Session was closed to the public pursuant to Government Code Section 11126(e).

## **30. ADJOURNMENT**

Meeting was adjourned at approximately 1:45 p.m.